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JOINT APPENDIX

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1980

* * *

NO. 80-1538

* * *

JAMES PLYLER, Et Al.
V.
J. AND R. DOE, Et Al.

* * *

NO. 80-1934

* * *

STATE OF TEXAS, Et Al.
V.
CERTAIN NAMED AND UNNAMED
UNDOCUMENTED ALIEN CHILDREN, et.al.

VOLUME E

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EXHIBITS

DEFENDANT'S EXHIBIT 1-42A

WHO CARES? WHO COUNTS?
A NATIONAL STUDY OF MIGRANT STUDENTS' EDUCATIONAL NEEDS
1979

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La Villa's Migrant Reading and Four-Year Old Programs utilized bilingual materials purchased with funding from other sources. La Villa teachers also have participated in staff development funded from other sources. However, little is pointed out in district aplications which addresses coordination of funding in the manner recommended in the national goal. (72)

Brownsville did develop and implement three components which built on cultural awareness. An art instructor was funded to help children gain insight into--and identify with--art, and address the cultural history of art. (73) The art classes were not attended by many students because of conflicts with the "block reading time" scheduled for two hours. (74) The Bilingual-Bicultural Music component, also implemented in the summer program, sought to develop oral language, motivation, and learning simultaneously through music dealing with the culture and lifestyles of other communities. (75) A locally-developed checklist was proposed to measure the acquisition of music skills, however this list was never completed. (76) Finally, the district addressed the migrant child's "cultural disadvantageness" as lack of educational travel and in order to enhance the child's classroom interaction scheduled field trips in the surrounding community. (77) Trips to the area mall, hospital, community play, zoo, McDonald's and Sambo's were taken. The objectives of the component called for affording the opportunity to expand their cultural background as evidenced by 11

field trips. (78) "Afford the opportunity" can be evaluated, as the district did, by taking a head count of the number of students taking trips.

EXCHANGE OF STUDENT DATA BASE (NATIONAL GOAL 7)

Another of the National Goals for Migrant Education calls for the development in "each program a component of intrastate and interstate communications for exchange of student records, methods, concepts and materials to assure that sequence and continuity will be an inherent part of the migrant child's total education program."

The MSRTS/Identification/Recruitment Component is required of all LEA applicants by the State Migrant Office. The state agency migrant application has established three major objectives, with timelines to be set by the district. The objectives are: (a) the transfer of eligibility forms for migrant students in the district to the Education Service Center terminal sites; (b) initial update of medical and instructional information to the terminal; and (c) all records for migrant students including update and withdrawal information sent to the terminal site at the end of the school year. (79)

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It is impossible to state objectively the number of migrant teachers which is adequate. One can not safely estimate an optimum teacher-student ratio. An adequate number of teachers in any given project must mean that there are enough teachers to deal with each individual migratory student both personally and educationally. The teacher must have time to listen, to evaluate, to inculcate concepts, and to prescribe activities to develop skills. Moreover, the teacher must have time to manage the classroom environment, to

keep the necessary records, and to report the progress of each migratory student periodically. Because all teachers have different talents and skills, the amount of time each teacher must have per student to do an effective teaching job varies.

Adequately trained teachers in content areas and methodologies are those teachers who can teach. They are competent. They demonstrate the abililty to manage the classroom environment and the instructional process so that the students learn, for without learning there is no teaching. Such adequacy can not be determined by the number of semesters or quarters one has attended an institution of higher education. Whether the teacher has developed competence through formal education or experience is unimportant. Hallmarks of such teachers are difficult to define, but easy to sense in personal contact. The competent teacher understands the materials to be taught rather than just being able to quote a book or parrot a professor on the subject. Principles are related to facts, details are related in consistent structures so the teacher does not spend inordinate amounts of time on unnecessary details or slight crucial facts. Teaching is an orderly process although many different approaches to the order necessary for structured learning environments are possible. The competent teacher uses methods that fit both the preferred teaching style and personality of the teacher and the preferred learning style and personality of the learner. For some teachers, the classroom will be a very ordered environment with rather strict rules; for others, the classroom will be rather informal and the casual observer may fail to perceive the underlying organization and governing principles. In all cases, the progress of the students in mastering concepts and skills will demonstrate the teacher's competence.

Since the migrant project should provide for varied methodologies, including some degree of individualization, elements of the self-paced approach, and tutoring, the teacher must be able to orchestrate all of these elements and bring them to bear on the education of students. This implies competence in management. It also requires that the teacher be able to demonstrate desired practices to and oversee the work of aides, parent or community volunteers, or students cooperating in the instructional process. The teacher is responsible for the evaluation of the students' educational needs and for the prescription of activities to meet those needs.

DEFENDANT'S EXHIBIT 5-2

[*HISD Administrative Procedures*, Revised July 28, 1975]

ARTICLE SEVEN
STUDENT PROCEDURES

700.000 ENROLLMENT—ADMISSION (Sec. 21.03 Texas Education Code)

700.100 Student's Legal Name for Enrollment

Parents or legal guardians shall enroll their child under the child's legal name. Parents of a student whose name on the enrollment card differs from the legal name should be advised that the school must enroll all students under legal names. A parent or legal guardian who requests the school to use a name other than the legal name for his child should be directed to institute legal proceeding to change the legal name. The parent or legal guardian who insists on enrolling a child under a name other than his/her legal name should be referred to

the Assistant Director of Attendance, located at Dow Elementary School.

701.000 Residence Requirements (State)

a. All children who are citizens of the United States or legally admitted aliens and who are over the age of five years and under the age of 21 years on the first day of September of any scholastic year shall be entitled to the benefits of the Available School Fund for that year.

Every child in this state who is a citizen of the United States or a legally admitted alien and who is over the age of five years and not over the age of 21 years on the first day of September of the year in which admission is sought shall be permitted to attend the public free schools of the district in which he/she resides or in which his parent, guardian, or the person having lawful control of him resides at the time he/she applies for admission.

b. A student desiring to enroll in school of the Houston Independent School District for the first time should apply for enrollment at the principal's office in the school zone in which the parent's reside. Principals should check the HISD street directory, furnished by the Pupil Transfer Department, to make certain the address given is the proper school attendance zone.

c. Residence for free school attendance purposes occurs when the following person(s) resides within the Houston Independent School District.

(1) Child.

(a) Full capacity to choose residence for school attendance purposes if 18 years of age.

(b) Very limited capacity to choose residence for school attendance purposes if under 18 years of age.

(2) Parent (natural or adopted) with whom child resides.

(3) Legal guardian (an order of a county or probate court is required) with whom child resides.

(4) Persons having legal control of the child for all purposes and not for the ostensible purpose of attending school. (See Section 701.130).

(5) International Teenage Exchange Students. (See Section 701.200).

d. Alien parents of a child who is a United States citizen by birth or naturalization, a resident alien, or otherwise legally a resident of the United States (but not including those in the United States on a visitor's permit) can establish residency for free school attendance purposes on the child's behalf under the provisions of paragraph c. of this section.

701.010 Compliance With Residence Requirements

Compliance with residence requirements shall be determined as follows:

a. Age, Grade and Residence (AGR) Card

A parent, guardian, person having lawful control of a student or a student over eighteen years of age shall complete the Age, Grade and Residence Card (AGR) which will reflect whether he/she resides in the District. If the information on the AGR Card establishes the required residency, no further inquiry regarding residence will be made by the principal or other school official.

b. Establishment of Qualifying Age

The principal must establish a qualifying age for eligibility to attend school as provided in Section 702.000.

c. Residence Ineligibility Discovered Before Enrollment

Any evidence or indication of a student's ineligibility for tuition-free school attendance shall be brought to the attention of the principal before enrollment, and the student shall not be enrolled. The principal shall refer the student and/or his or her parent, guardian or person having lawful control of the student to the Pupil Transfer Department who will attempt to ascertain if there is any possible way to legally enroll said child or will advise the parents or guardian of what steps should be taken in order to obtain eligibility for admission and enrollment.

d. Residence Ineligibililty Discovered After Enrollment

If an ineligible residency for school attendance purposes is brought to the attention of the principal after enrollment, the principle shall investigate to determine the validity of the claimed residence. Care should be taken to avoid placing the student, parent, guardian or person having lawful control of the student in an embarrassing position. If the investigation reveals an ineligible residence for school attendance purposes, the principal shall refer the student and his or her parent, guardian or person having lawful control of the student to the Pupil Transfer Department with a written statement of the reasons of ineligibility. If a question arises as to the immigration status of the student, his or her parent or guardian, the individual concerned shall be referred to the Houston Legal Foundation for counseling. The Pupil Transfer Department will assist with any case and if the facts warrant an extension of time for establishing child's eligibility, normally within two weeks, the Pupil Transfer Department will so advise the respective school. If an eligible residence has not been established within this time, the student shall be subject to the payment of full tuition as a condition of remaining in school.

e. Domicile Within the District for Assignment

This section in no way affects the assignment of a student to a particular school pursuant to the Amended Decree of September 18, 1970, and Section 710.000 *Board Policies and Administrative Procedures.*

710.100 Tuition

A pupil whose parent or guardian lives outside HISD is not eligible to attend a Houston public school unless one of the following has been processed.

DEFENDANT'S EXHIBIT 14-10

Texas Business Review, June 1978

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COUNTING ILLEGAL MEXICAN ALIENS MYTHS AND MISCONCEPTIONS

Kenneth Roberts
Michael E. Conroy
Allan G. King
Jorge Rizo-Patron

The undocumented migration of foreign nationals to the United States has recently emerged as a serious national problem. Because the impact of illegal aliens on jobs and social services is related to the number of illegal aliens in this country, an accurate estimation of this number is particularly important. The impression conveyed by influential persons in the government and the media is that this number is so large—between six and eight million—that the time for study has long passed and that the present need is for immediate action.

In fact, serious flaws in the assumptions that underlie the prevailing estimate cause it to be highly unreliable. Not only does the estimate heavily overstate the stock of illegal aliens, it also implies a misconception of the migration process itself.

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DEMOGRAPHIC IMPLICATIONS OF THE LESKO ESTIMATES

Over 90 percent of apprehended Mexican illegal aliens are male and between the ages of 15 and 40. Survey studies by North and Houstoun and by Cornelius agree that undocumented flows consist largely of males who come from a small group of states in central Mexico. What emerges is the conclusion that six states—Guanajuato, Jalisco, Michoacan, San Luis Potosi, Zacatecas, and Chichuahua—contribute the great majority of undocumented Mexican workers.

Based on the 1970 Mexican census, the expected size of the 1975 cohort of males between the ages of 15 and 40 in these six states is 2,524,753. If we assume, conservatively, that only 50 percent of the Lesko estimate has come from these states, 40.5 percent (90 percent times 90 percent times 50 percent would be young males from these states. Thus, the Lesko estimate would imply 2.1 million males (40.5 percent times 5.2 million) from central Mexico and Chihuahua are presently residing in the United States. This represents four out of every five men from one of the most populous regions in Mexico! As a shortage of manpower of this magnitude could not escape the attention of observers, it must be concluded that the biases in the individual elements of the Lesko estimate have compounded one another to result in a number that fails to pass the most basic of empirical tests.

POLICY CONSIDERATIONS

The implications of our findings are dramatic. Instead of coming to the United States and never leaving, most Mexican aliens leave within the same year they come. Those who return to the United States the next

year and are apprehended increase the estimated Lesko inflow and those who escape apprehension are again assumed to become permanent residents. There is no more fundamental misconception in the Lesko report than the notion that the migration of Mexican illegal aliens is a permanent rather than a predominantly seasonal process. This misconception exaggerates the size and rate growth of the stock of undocumented Mexicans and leads to erroneous policy conclusions. If migration is temporary, what we see in apprehension data is not a set of permanent increases in the labor force equal to the total migrant inflow but rather a supply of labor that requires new jobs only to the extent of the increase in the size of the annual flow.

Moreover, legislation such as the Carter administration's Alien Adjustment Act, which would give immigrant status to persons who could prove residence since 1970 (though it might have been only seasonal), would not legitimize an existing situation. It would rather create a situation in which, through improper use of documents obtained during their residence, seasonal migrants could become permanent residents. Thus, by reflecting a false view of the migration process, the Carter bill could have the ironic effect of establishing a larger and more permanent illegal alien population than the United States presently contains.

DEFENDANT'S EXHIBIT 14-18

THE CHARACTERISTICS AND ROLE OF ILLEGAL ALIENS IN THE U.S. LABOR MARKET: AN EXPLORATORY STUDY

by

David S. North Marion F. Houstoun

This report was prepared for the Employment and

Training Administration (formerly the Manpower Administration), U.S. Department of Labor, under research and development contract no. 20-11-74-21. Since contractors conducting research and development projects under government sponsorship are encouraged to express their own judgment freely, this report does not necessarily represent the official opinion or policy of the Department of Labor. The contractor is solely responsible for the contents of this report.

Linton & Company, Inc.
Washington, D.C.

March, 1976

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Further, a California State Social Welfare Board Position Statement "Issue: Aliens in California" addressed this problem in general terms but reported no empirical research.

The interviews provide some data on the subject of illegals' participation in public programs. Questions were asked about relationships to tax, social servie, and income transfer programs. It should be noted, however, that the characteristics of the respondents, who were typically young male workers, are not those of a population likely to receive income transfer payments. The respondents reported the following levels of program participation:

Program Activity	Percentage of Respondent Participation
INPUT:	
Social Security Taxes withheld	77.3
Federal income taxes withheld	73.2
Hospitalization payments withheld	44.0
Filed U.S. income tax returns	31.5
OUTPUT:	
Used hospitals or clinics	27.4
Collected one or more weeks of unemployment insurance	3.9
Have children in U.S. schools	3.7
Participated in U.S.-funded job training programs	1.4
Secured food stamps	1.3
Secured welfare payments	0.5

A program-by program review of the respondents' participation in these 10 activities follows.

Social Security Taxes. The most common interaction of interviewed illegals with the U.S. government was, of course, their apprehension by INS at the time of the interview; the second most common dealt with Social Security taxes. More than three-quarters of those interviewed said that these taxes were withheld by their most recent employer.

Two aspects of these transactions should be borne in mind; first, this, the most regressive of federal taxes, carries with it no refund provisions; in 1975, both the employer and the worker made contributions of 5.75% on the first $14,000 of a worker's wages. Secondly, to collect the benefits from the program, an individual

usually has to work for a substantial period of time. It is doubtful that any but a small number of the respondents will be able to recapture any of their investment in this system.

There were variations in the extent to which different groups of respondents reported that social security taxes were withheld. Expectedly, a higher precentage of those with non-farm jobs reported such deductions, compared to those in agricultural employment (80.5% vs. 61.7%, respectively). Unexpectedly, there was a higher incidence of withholding reported in San Antonio (84.0%) than in New York (74.1%). The geographical area with the lowest rate reported was the border counties, where only 27.9% of the respondents reported such deductions. Of the Mexican respondents, 74.5% reported these taxes, compared to 79.7% of the WH illegals and 82.3% of the EH illegals.

Income Tax Withholding. There are circumstances, such as relatively low wage payments, in which an employer is obligated to pay social security taxes but not to deduct income taxes. This presumably explains the lower rate of income tax withholding, which was 73.2% for the interviewed apprehended illegals. The rate was higher among respondents in Los Angeles (83.5%) than in New York (77.1%), and considerably lower along the border (24.6%).

We also asked about social security and income tax deductions in the respondents' previous U.S. job; it is presumably a measure of their upward movement that the incidence of such payments was a little higher in their most recent job than in the previous one. In the case of income taxes, for instance, 64.5% of the respondents who had a previous job in the States reported that deductions were made in that job.

Hospitalization. Income and Social Security tax deductions are mandated by the government, and violations by employers are risky. On the other hand, while sometimes written into union-management contracts, there is no statutory obligation for employers to deduct hospitalization insurance from workers' wages, or to finance it directly.

DEFENDANT'S EXHIBIT 14-19

REPORT TO THE SENATE COMMITTEE ON THE BUDGET

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

IMPACT OF ILLEGAL ALIENS ON PUBLIC ASSISTANCE PROGRAMS: TOO LITTLE IS KNOWN

December 1, 1977

Appendix II
[page 3]

However, recent HEW-required quality control checks of 45,000 AFDC cases in nine States--including California and New York--identified only 14 recipients as illegal aliens--less than one-thirtieth of 1 percent of the sample. HEW cautioned that any projections based on such a small sample would be unreliable. Even allowing for unreliability due to small sample size, and failure to detect some false documents, these results suggest that use of the AFDC program by illegal aliens is not extensive.

Two other studies also contradict the assertion that illegal aliens are a heavy drain on public welfare. A major study prepared for the Department of Labor in 1976 (by North), using interviews of 793 apprehended illegal aliens at 19 locations throughout the country, found only 4 of the respondents, or one-half of 1 percent, who said that they had received welfare assistance. In North's use of the term "welfare," he included both AFDC and SSI, and did not obtain separate responses on illegal aliens' use of each.

Another study (by Cornelius, Massachusetts Institute of Technology) dealing with Mexican illegal aliens reported that only 2.2 percent of the 505 illegal aliens interviewed had received welfare payments. Cornelius' study also included both AFDC and SSI in the term "welfare," and it did not obtian separate responses on each.

In California, during the 1-year period through November 1976, 404,000 persons applied for AFDC benefits. Of these, 13,977 (3.5 percent) were foreign-born applicants who could not prove their lawful status in the United States. They were asked to appear at INS offices for interviews to determine their immigration status. Of those referred to INS, 10,404 were determined to be illegal aliens or failed to appear and were thus presumed to be illegal. They constituted 2.6 percent of all applicants during the year.

. . .

Welfare officials in New York State said they had not specifically studied the impact of illegal aliens on public assistance programs, but they believed the impact was insignificant. They cited statistics from a quality control review of 1,228 AFDC cases in which only 4 recipients (one-third of 1 percent) were found to be illegal aliens.

In New York City, INS is asked to verify the status of public assistance applicants who cannot provide documents proving citizenship or legal alien status. INS files in New York City contained a large backlog of unanswered requests for verification. The responsible INS official said the backlog was caused by a heavy workload and the low priority placed on such requests. As a practical matter, according to a city welfare representative, in the absence of a response from INS, the city accepts baptism certificates and voter registration cards as satisfying proof of citizenship. How many of these documents are fraudulent is uncertain.

We interviewed 120 apprehended illegal aliens in the Los Angeles-San Diego area, New York City, and Washington, D.C., and none of them said they had received AFDC benefits.

SSI: The SSI program provides cash assistance to blind, aged, or disabled people with limited income. Funded by the Federal Government and supplemented by some States, it is federally administered. Citizenship or permanent resident alien status is required for eligibility.

There has been little research on the impact of undocumented aliens on the SSI program. The reason for this may be the belief held by some that few illegal aliens receive SSI benefits because the age, work history, and other eligibility requirements are not consistant with the overall characteristics of the illegal alien. While this theory may be generally valid, the degree of validity will vary according to location. It is more likely to hold true in the California area, for example, than in the New York area. In California, illegal aliens are more likely to be young, single (or at least unaccompanied by dependents), able to work, and transient. In New York, they are more apt to be older and accompanied by dependents of all ages.

HEW officials in New York stated that from January 1974 through August 1977, the Social Security Administration investigated 18,300 cases in which there was a high degree of suspicion that an SSI recipient or applicant was not eligible for benefits. Of the suspect cases only 61 (one-third of 1 percent) involved illegal aliens.

In our June 11, 1976, report, "Problems in Administering Supplemental Security Income for the Aged, Blind, and Disabled" (MWD-76-73), we discussed the problem of payments to ineligible persons. We reported that in a random sample of 23,013 SSI cases for 7 months in 1974, HEW found that 6.1 percent of the cases involved payments to ineligibles. No record was made of the number of ineligibles who were illegal aliens, however.

In a recent letter to a Member of Congress, the Commissioner of the Social Security Administration wrote, "Undoubtedly, erroneous SSI benefits are paid to some illegal aliens who have successfully misrepresented their resident status***," but added that "we do not have data on erroneous payments made to illegal aliens."

None of the 120 illegal aliens we questioned said they had received SSI benefits.

FOOD STAMPS: Food Stamps is a federally funded program administered by States and localities. It enables low income families and individuals to buy coupons at a discount, then redeem the coupons for food purchases. Citizenship or status as a permanent resident alien is required for eligibility.

. . .

Officials of the Department of Agriculture's Food and Nutrition Service stated that less than 5 percent of the

households receiving food stamps are ineligible and that they believed very few of those ineligibles were illegal aliens. They were unable to provide data supporting their belief. However, they felt that the few illegal aliens who might be receiving food stamps were doing so with false documentation. They said that, to their knowledge, none of the Service's quality control reviews had identified any illegal aliens as recipients.

New York State officials also minimized illegal alien use of food stamps, and cited a recent quality control review of 1,187 food stamp households. Of the sample, 99 households were found to be ineligible, but only 1 of those (less than one-tenth of 1 percent of the sample) was an illegal alien household.

A San Diego County study on the impact of illegal aliens found that the county's procedures adequately screened them from the Food Stamp program, and thus concluded there was no cost impact on the program. The North report, done for the Department of Labor in 1976, indicated that 10 (1.3 percent) of 793 illegal aliens interviewed had received food stamps. Of the 120 illegal aliens interviewed had recieved food stamps. Of the 120 illegals we interviewed during this review, only 1 (less than 1 percent) stated he had received food stamps.

Various other food assistance programs do not specify citizenship requirements. Some are the School Breakfast Program, the National School Lunch Program, and the Special Milk Program for Children. Food and Nutrition Service officials were unable to provide information about illegal alien participation in any of these programs.

DEFENDANT'S EXHIBIT 14-25

AREA HANDBOOK FOR MEXICO

Prepared for The American University by
Johnson Research Associates

Research completed March 1969
First Edition Published 1970

[page 177]

Primary Education

Pre-primary is the lowest level of Mexican education. It is available on a limited basis for children from the ages of two through six. Pre-school education emphasizes early hygienic and emotional training via singing, dancing, games, and physical, artistic, and other activities. The two divisions of pre-primary education are *guarderias infantiles* (nursery school) for ages two through four, directed by the Ministry of Public Health and *jardines de ninÑos* for ages four through six, directed by the Ministry of Education.

At age six a child enters primary school which ideally lasts for 6 years. The primary school curriculum is comprehensive and stresses total personality development intellectually, socially, aesthetically, and physically. Facilities are classified according to whether they are urban, rural, boarding, or "123 schools." Urban and rural institutions are geared to their respective environments; boarding schools are for pupils living great distances from available day schools, and 123 institutions (named for the constitutional article creating them) are sponsored by large employers for their employees children.

The program for all primary schools is divided into three cycles of 2 years and the contents of the first cycle are enlarged and intensified in the succeeding cycles. The cycles attempt to give every child as much knowledge as possible during the first 2 years since the majority of pupils never reach the upper cycles. Students that do complete the sixth year are granted certificates allowing them to move up to the secondary level.

DEFENDANT'S EXHIBIT 16-4; PLAINTIFF'S EXHIBIT 436

THE IMMIGRANT WORKER: A SOCIAL PROBLEM OR A HUMAN RESOURCE

by Jorge A. Bustamante
El Colegio de Mexico

This paper was prepared for the Conference on Minorities and the Labor Market held at the Airport Marina Hotel, Los Angeles, California, April 1977, sponsored by the Chicano Studies Center UCLA.

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...rather, they are employed in a situation of illegality, tailor-made for powerful interest groups in the United States.

A case in point could be the famous Texas proviso introduced by Texas legislators to amend the current immigration law. In defining what should be understood by concealing, harboring or shielding the entrance of an alien into the United States, the law makes the following exception:

> Provided, however, that for the purposes of this section, employment, including the usual and

> normal practices incident to employment, shall not be deemed to constitute harboring (U.S. Congress 8 U.S.C., section 1324, 1952).

This is not to suggest that penalizing the employer of an undocumented immigrant would be a solution, as has been suggested by the supporters of the Rodino Bills. This is to illustrate some of the structural factors that have shaped the conditions under which the phenomenon of undocumented immigration takes place.

Consistent with one of the conclusive remarkes made by the Domestic Council Committee on Illegal Aliens, quoted at the beginning of this paper, other studies have pointed out the lack of empirical evidence in support of the contention that deportations of undocumented immigrants would result in job...

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Only 7.7 percent (509) had been paid in cash. Paid with check were 85.3 percent, and 6.3 percent were apprehended before they were able to collect their wages.

Of the check-paid workers, 74.4 percent (433) had tax deductions; 66.7 percent had social security deductions; 19.9 percent had no deductions and 6.2 percent did not answer the question.

One of the total sample, only 0.9 percent answered affirmatively to the question: Have you ever had children registered in U.S. schools? 2.4 percent did not answer the question and 96.6 percent answered negatively.

On the question: Have you ever been a recipient of welfare benefits in the United States? 3.2 percent answered affirmatively; 93.7 percent answered negatively and 1.7 percent did not answer the question.

On the question: Have you ever received free medical care in the United States? 7.8 percent responded affirmatively; 90.7 percent responded negatively and 1.9 percent did not answer the question.

Our findings are consistant with those of the North and Houstoun study (1976) which led the *Wall Street Journal* on June 18, 1976, to observe that the U.S. government is receiving more from the undocumented immigrants in the form of tax and social security deductions than what the immigrants are receiving in public services. North and Houstoun found that 77 percent of the Mexican undocumented immigrants of their sample have paid social security and 73 percent have paid federal income tax. Less than 4 percent had children in U.S. schools, and only half of 1 percent had received welfare benefits.

These findings are also consistent with another study. This on was conducted by Dr. Vic Villalpanado in San Diego county. From a review of 9,132 welfare recipient cases in the county, he found that only 10 were undocumented immigrants. Using the same techniques for a review of 14,000 welfare recipient cases in Los Angeles county, he found 56 undocumented immigrants. Out of these cases 54 were determined to have actually been eligible for welfare assistance according to current regulations (Villalpando 1976).

Oblivious of these findings, INS authorities were quoted by the *U.S. News & World Report* of January 26, 1976, making reference to a "tax burden of 13 billion dollars" attributed to the undocumented immigrants in the United States. The figure came from a study contracted by INS with a Washington based consultant firm, the Inner City Fund (ICF).

PLAINTIFF'S EXHIBIT 12

SIN PAPELES: THE UNDOCUMENTED IN TEXAS

January 1980

A report of the Texas Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the Texas Advisory Committee.

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EXPLOITATION OF UNDOCUMENTED PEOPLE

> I think the alien smuggler today is no better than the old slave trader of a century ago. They have no regard for the persons....

Many witnesses at the Texas Advisory Committee open meeting gave examples of mistreatment of undocumented persons by the INS and described instances of abuse and exploitation by private individuals. Probably the most distressing included the virtual selling of aliens in black market-type operations. Hugh Williams, Chief Border Patrol Agent in Del Rio, testified that he knew of these operations and that there is currently a case pending in his area. While he declined to discuss the specific facts because the case was in litigation, he described generally how the procedures work. People are hired to locate undocumented workers in Mexico and are paid for each alien they recruit; it is a big business, he said.

> We had another case recently where we calculated the man had made ...$2,208,000 in 2 years smuggling people from El Salvador to Houston...He charged $1,500.

Once a group is formed, a driver is sent to pick them up and they are taken to a central location where they are literally sold as indentured servants to employers as far away as Illinois, North Carolina, Georgia, Missouri, and Mississippi. According to Agent Williams, the dealer collects a fee for each alien from the employer. The employer, he added, will work the alien until he has a return on his investment.

Smugglers were also accused by witnesses at the open meeting of exploiting undocumented aliens in other ways. Officer Glenn Parrot testified that in the first 6 months of 1978, a total of 281 smugglers were apprehended. The prices for smuggling aliens range from $450 to $1,500. Officer Parrot noted several cases of aliens being swindled out of their life savings. He described the traveling conditions that these people are made to endure:

> I have seen...men, women, and children and as many as 34 placed in the back of a U-Haul truck without any proper ventilation and travel miles and miles in that condition in January when it is cold. And those children were about to die. There is no ventilation, no heat, and no food, no toilet facilities.

These individuals also bear another burden if their smuggler is apprehended. Because of the need to secure evidence against the smuggler, many are detained as material witnesses in county jails. At this point they are detained as Federal court witnesses and are no longer under INS jurisdiction. Most smugglers post

bond and are released, while the undocumented aliens remain in county jails. These people are often housed under extremely bad conditions. A description of one such facility in Webb County was presented to the Texas Advisory Committee by Lee Teran, an attorney with the Laredo Legal Aid Society. She observed that she had participated in a suit involving this jail and knew from her own experience that "the conditions were horrendous." Most of the aliens were kept in three large cells with no place to sleep, no mattresses, toilets, or functioning showers; Ms. Teran did indicate that these conditions had improved somewhat.

According to testimony undocumented persons also suffer at the hands of employers who hire them knowing full well they are in this country illegally and who use that fact to take advantage of them. An INS agent told the Advisory Committee about trying to collect wages for aliens after they were apprehended:

> They pay them in cash....There have been some instances where a farmer would make a check, let's say for $300, make the alien sign [endorse] it. He pays him $25 and sets him on his way....So actually, he [the farmer] made a profit of $275 for his income tax.

In another instancae, an alien had worked from 10 a.m. to 2 p.m. and was paid $1. A witness at the open meeting alleged that some larger ranches have company stores where all items are sold at twice what they cost elsewhere and virtually everything that the workers buy is taken from their wages.

Frank Cortez, a well-known local radio personality, testified that he knew of cases where undocumented aliens had suffered at the hands of ranchers. He explained that aliens will endure a lot because they are

grateful to the employer for giving them a job. One example of this, Mr. Cortez noted, involved a young man who was involved in an accident on a ranch and lost both arms and an ear. Mr. Cortez told the Advisory Committee:

> This is what I call abuse. But, of course, he [the alien] stated that he had a good employer and he was grateful to the employer because he had a job and it was his misfortune that he lost both of his arms and he was lucky to be alive.

CONCLUSIONS

Undocumented persons are in the extremely precarious position of being unable to assert themselves in protection of their rights without subjecting themselves to possible deportation or prosecution. In the context of their relationship with authorities such as the INS, this means that when abused, they usually stand silent. The testimony given to the Texas Advisory Committee established that there are procedures used by the INS, such as interrogating aliens in closed rooms, which clearly lend themselves to abuse. The INS relies largely on its officers to report abusive actions by their fellow officers. The evidence presented at the open meeting demonstrated that this policy of self-policing has serious drawbacks and may achieve little, if any, deterrence. In fact, credible testimony indicated that some supervisory officials might encourage abusive acts by criticizing officers for not being tough enough on aliens.

Just as the liens are in a precarious position with regard to the authorities, they are also at a disadvantage with their employers. The evidence at the open meeting pointed to instances where undocumented people are shortchanged in their wages, overcharged at company stores, and made to work long hours under adverse conditions.

3. Economic betterment or survival is the reason most frequently given by undocumented persons for coming to this country; there has been no exception to this finding in any of the literature.
4. Undocumented persons are usually employed in low-status, low-skilled, and low-paid jobs.
5. Undocumented workers contribute more in the way of taxes than they receive in social services.
6. Undocumented persons send a significant portion of their income back to their native country to help support their families or relatives.

In the study prepared jointly by Avante Systems, Inc., and Cultural Research Associates for the Texas Advisory Committee, the above findings were, for the most part, confirmed. The study, "A Survey of the Undocumented Population in Two Border Areas," focused geographically on areas where large numbers of undocumented persons were examined, those in detention awaiting their return to Mexico and those unapprehended. Using these two populations, it was possible to contrast the characteristics and attitudes of undocumented persons who were being detained by the INS and those who were unapprehended.

Two areas of the border region were selected for intensive study—El Paso and the Edinburg—McAllen area located in the Lower Rio Grande Valley. In each of these areas, 300 undocumented persons were interviewed. Each sample was further broken down into three target groups of 100 persons each. The first target group—detained persons awaiting departure—as interviewed in INS Border Patrol detention and processing centers at Los Fresnos and El Paso. The second target group consisted of undocumented persons contacted through a bariety of public and private agencies in each of the areas surveyed of residential areas known to have

concentrations of undocumented persons. Persons in public places were also approached and interviewed in private. In addition, business firms known to favor and hire undocumented workers were surveyed.

Some of the key findings arising out of these 600 interviews with undocumented persons are as follows:

A demographic profile of the cumulative sample (n=600) suggests that respondents range in age from 20 to 30 years old. Most were single males. Less than half were married and less than 40 percent had children. Most of the respondents had been in the United States less than 5 years.

Virtually all of the respondents were from Mexico. Only about 2 percent came from other countries in Central America. Sixty-five percent of the El Paso respondents (n=300) were born and grew up in the State of Chihuahua; 5 percent were born and raised in Zacatecas. One-third of the Edinburg-McAllen sample (n=300) were raised in Mexican border states.

Almost half of the El Paso sample arrived in the United States before 1972; 17 percent arrived in 1978. The median number of years respondents have lived in the United States 5 years or less. Nearly half (48.3 percent) have lived in the United States less than 1 year.

Of the El Paso respondents 55 percent planned to stay in the United States permanently, while the rest indicated a desire to return home. Of those individuals planning to stay, the majority (91.0percent) indicated they would try to abtain legal residence in the United States. In contrast, only about 38 percent of the Edinburg-McAllen sample planned to remain in this country. The rest planned to stay less than 1 year.

With respect to the economic impact of undocumented persons, the interviews revealed the following:

Of the El Paso respondents, 73 percent stated that their primary reason for entering the United States was to seek work. Approximately 57 percent (56.7 percent) of the Edinburg-McAllen sample indicated this as their primary reason for coming.

PLAINTIFF'S EXHIBIT 25

NATIONAL SURVEY ON OUTMIGRATION IN MEXICO DESCRIPTION AND PRELIMINARY FINDINGS

Jorge A. Bustamante
El Colagio de Mexico

Paper prepared for the Simposium on Structural Factors Contributing to Current Patterns of Migration in Mexico and the Caribean basin, Brookings Institution on June 28-30, 1978.

[page 12]

The November border study shows that only 13.7% (n3689) of the migrants interviewed with the questionaire stayed in the United States during all of 1977. This finding tend to confirm the temporary nature of the Mexican immigration on which Cornelius and I with independent studies have both been insisting upon. This finding is congruent with that of the next row of table 1, with reference to job experience in the United States. Out of 3689 respondents 59% had a job in the United State during 1977 but few remained in the country for the whole year. We ought to further specify these data to know wither migrants quit their jobs because they want to go home or because of INS's interruptions or

because of the nature of the job they take. At any rate, my hypothesis continues to be that it is rational for the Mexican migrant that comes to the United States to keep his residence, home, and family in Mexico. In the United States he will have no other than a dead-end type of a job. Due to this structural factor he will not have any upward social mobility in the context of the United States society.

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LENGTH OF STAY IN THE U.S. BY MONETARY REMITANCE

Table 4 confirms what was said above about the need of being cautious in referring to the undocumented immigrants' contribution to the Mexican balance of payments. Out of the total number of respondents to "boletas" (9992), 60.1% fof them did not send money to Mexico. The question here is: what is the balance when the cost of outmigration payed with Mexican pesos is deducted from the amount of remitances?

More than likely the balance will prove to be favorable for Mexico. A question still remains: who is paying the costs of outmigration in Mexico and who is receiving the benefits?

The columns of "amount of dollars" sent to Mexico suggest another hypothesis: the longer the stay in the United States the greater the remitances to Mexico. Data shown in table 1 in combination with these figures of table 4 suggest that outmigration to the United States is advantageous for only a small percentage of all undocumented immigrants. The rest are those who lose and those who just survive with no progress made.

These data of table 4 also reinforce the thesis of temporary nature of undocumented residence in the United States.

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This seems to be reinforced by the data on those who did send money to Mexico (38.6% of n3689). Here we find that in deed rural immigrants tend to send more money than urban residents. Only 5.4% of the total 3689 however, were able to send more than $1,000 dollars during 1977. This is barely the per capita income in Mexico. These figures add force to my earlier comment on the small percentage of undocumented migrants who "make it" in the U.S. with higher income than the per capita income of Mexico.

Findings on region 2 (Jalisco, Michoacan, Guanajuato, Colima, parts of the State of Mexico and parts of Guerrero) in table 5 might have relevance to the findings reported by Dr. Cornelius in his study of several villages in "los altos de Jalisco" region, with regard to monetary remittances. Our data from the November border study shows in this table that migrants from region 2 had the highest percentages in the category of highest monetary remittances.

PLAINTIFF'S EXHIBIT 185

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

J. and R. DOE et al
vs.
JAMES PLYLER et al

Civile Action No. TY-77-261-CA

RECORDS OF PROCEEDINGS
ORAL HEARING ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Heard at: Tyler, Texas
On: September 9, 1977

[page 95]

A. Yes.

THE COURT: What kind of work do you do?

THE WITNESS: Whatever they want me to do.

THE COURT: What has he done in the past?

THE WITNESS: At the church or school.

THE COURT: What type of work?

MS. RODKIN: Are you asking what type of work at the church or at the school?

THE COURT: Yes, what type of work at the church and what type of work at the school?

THE WITNESS: Right now I haven't done any, because they just entered school last Wednesday, or day before yesterday.

Q. If there were no tuition payments in the Tyler schools, would you send your children back to the Tyler Public Schools?

A. Yes.

Q. Do you have four children in the Catholic school and one child still in the public schools. Is that right?

A. Yes.

Q. Can you afford to pay either $4,000.00 or $5,000.00 per year to have your children attend the Tyler schools?

A. No.

PLAINTIFF'S EXHIBIT 186

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

J. and R. DOE et al
vs.
JAMES PLYLER et al

Civil Action No. TY-77-261-CA

RECORD OF PROCEEDINGS

HEARD AT: Tyler, Texas
ON: December 12 and 16, 1977

[page 42]

Q. Have you seen any immigration figures, or have you in your reading come across any immigration figures of illegal aliens strictly for the State of Texas?

A. Yes, I had occasion to see them in the I.N.S. annual reports, an official tabulation for I.N.S., in terms of illegal aliens that have been apprehended. Now, this is only one aspect of the total alien population of the United States, which does not include all persons, for obvious reasons.

Q. Your figures are illegal aliens apprehended in the State of Texas?

A. These are the figures that I have seen.

Q. Approximately what are those figures?

A. I cannot remember.

Q. Do you remember if they are over a hundred thousand?

A. O.K., the last figure that I heard thrown out for 1975, there were--and I'm just doing this by recall now--there were something like seven hundred sixty-six thousand illegal aliens apprehended and sent back. Out of that eighty-eight percent or close to that were Mexican illegal aliens. Yet, within that category of Mexican illegal aliens, a high proportion of them were border runners, people who were caught within a forty-eight...

PLAINTIFF'S EXHIBIT 205

THE ECONOMIC IMPACT OF UNDOCUMENTED IMMIGRANTS ON PUBLIC HEALTH SERVICES IN ORANGE COUNTY

Final Report
presented to the
BOARD OF SUPERVISORS
COUNTY OF ORANGE CALIFORNIA

by the:
TASK FORCE ON MEDICAL CARE FOR ILLEGAL ALIENS.

[page 17]

SOCIAL SERVICE UTILIZATION AND TAX PAYMENTS

All the surveys found a very low tate of utilization of public social services by undocumented immigrants. The percentage of those who had secured public welfare payments ranged from less than 1% to 4%, depending on the study. The Orange County survey indicated that 2.8% had collected public welfare payments. Regarding food stamps, the Linton Corporation study showed that 1.3% had reported receiving them, while the Orange County study found 1.6%.

The Linton Corporation study found that 27.4% reported using a public of private hospital or clinic, while Orange County's sample showed 28%. The Orange county study showed that 15% reported using the Community Clinic of Orange County and 5.6% indicated that they had used the UCI Medical Center.

Of those who used a public or private hospital or clinic, 59% stated that they had paid the bill either directly or by insurance, while 8% reported paying the bill by "credit," and 2% reported using Medi-Cal. Of those who stated that they had used a medical facility, 30% either reported that they had not paid the bill or did not answer this question. The Linton Corporation, Bustamante, and Cornelius studies indicated that only about "8-10% of their respondents had ever received free medical assistance in a U.S. hospital or clinic." (Cornelius, p. 12) If we assume that 32% of those who indicated in the Orange County study that they had used a U.S. hospital or clinic had received free medical services (including in this category those who had received Medi-Cal and those who reported either they did not pay the bill or did not answer the question), it would mean that some 9% of the total sample indicated that they had received free medical services. This coincides with the 8-10% figure found in the other studies.

Both the Orange County and the Linton corporation studies asked respondents if they had hospitalization insurance deducted from their wages. Both found that a higher percentage claimed to have hospitalization insurance deducted than those who reported using a public or private hospital or clinic. The Linton Corporation study found that 44% had these insurance deductions, while in Orange County 34% reported this deduction.

All field research has found that the typical undocumented immigrant has payroll taxes taken from his/her wages. This finding is not surprising. Employers are not violating the law in hiring undocumented immigrants. But they would risk legal sanction if they did not deduct and pay legally mandated taxes.

As a crosscheck on the percentages of those who reported paying into the various tax systems, all but one of the studies asked the respondents whether they paid in cash, check, or by other means. The Orange County studyt also included this question. It was assumed by all the researchers that wages paid by check were very likely to hav ehad the mandated taxes deducted. Significantly, in each study the percentage of those who reported having the various payroll taxes taken from their wages was lower than the percentage of those reporting being paid by check.

PERCENTAGE REPORTING WAGES
PAID BY CHECK

Linton Corporation Study	78%
Bustamante	85%
San Diego	82% including 7% who were paid by a combination of check and room and board.
Orange County Study	90%

PLAINTIFF'S EXHIBIT 207

SOCIAL, ECONOMIC AND DEMOGRAPHIC CHARACTERISTICS OF UNDOCUMENTED MEXICANS IN THE HOUSTON LABOR MARKET:
A Preliminary Report

Submitted To:

Gulf Coast Legal foundation
2601 Main
Houston, Texas
77002

by

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INCOME CHARACTERISTICS

In terms of the per hour earnings, the mean hourly rate for parents of undocumented children currently employed is $4,17. These per hour earnings for the Houston undocumented immigrants are relatively high. The Avante study found that: "The mean hourly earnings for respondents was $2.75...(Avante, 1978:25)." The persons in our sample have been employed, as stated earlier, for relatively long periods of time in an industrial urban setting with typically higher wages than in most other parts of Texas.

We gathered data in our study on total family income. The total family income indicated all earnings from family members. The range varies from 0 income to a high of $2,000 per month. The distribution is bi-modal. Twenty-six percent (26.0% of families earn between $400-599 and 26% earn between $800-999 per month. Twenty-eight pint eight percent (28.8%) of the families per month incomes are over $1,000. In yearly terms almost one-third (30%) of the respondents would earn incomes over $12,000. We must keep in mind, however, that the average number of persons currently supported is 5.5. The median income for families is $800 per month while the mean family per month income is $791.00. The median family income of $800 per month would mean a yearly family median income of $9,600. The Los Angeles labor market study found that the One-Stop clients median family income was between $4,000 and $6,000 which they thought to be low, especially for a married population in their peak years of earning (cf. Van Arsdol et al, 1979:83). Our family median levels indicate earnings more in line with expected earning of persons in their most productive years in the labor force in an economy rapidly expanding.

DEDUCTIONS FROM WAGES

As indicated earlier in this report, studies of both apprehended and unapprehended undocumented immigrants show that immigrants earning wages are often deducted from their wages the customary items as national citizens (cf. Avante Systems Inc. 1978:31-24; Orange County...1978:10,17-25; Bustamante, 1976a; and North and Houstoun, 1976:A-3). Our research on the parents of undocumented immigrant children substantiates these findings.

Over three-fourths indicated that income taxes were being deducted from their wages (N=45 or 77.6%).

Table 10A here

Eighty-three percent of respondents were deducted social security from their wages and finally, employers deducted hospital insurance from 44.6% of employed respondents. Thes percentages are in line with North and Houstoun's (1976) study of apprehended immigrnts and also Bustamante's study (1976a) of returned undocumented immigrants. Our figures are similar to the studies cited.

PAYMENT OF INCOME TAXES

There is very little data on the numbers or percentages of undocumented who have filed income taxes. The Avante researchers report that in their sample almost twenty percent filed income tax returns (cf. Avante Systems, 1978:41). In our sample of parents of undocumented children, 47.1% of respondents (N=48 stated that they had filed income taxes. The balance had not.

We also asked the respondents to indicate the number of times that they had filed income tax reports.

Both the preliminary report and this smaller sample of parents of undocumented children indicated a modal response of 3 times (or for three years), while the average mean

-Table 11A here-

response was 5 times filed. Seventy-one percent of respondents who have ever filed income tax have filed three or more times. Of those respondents who have been filing income taxes, a substantial number or approximately 28.9% have filed once or twice.

UTILIZATION OF PUBLIC AND PRIVATE SOCIAL SERVICES

We specifically asked the parents in our subsample if they were receiving 'asistencia publica', that is, welfare. Not one of 102 (0.0%) said that he/she or a household member currently receiving such assistance. Only 1% of parents said they or a household member was currently receiving social security benefits.

-Table 22A here-

The Avante researchers (1978) found that less than one percent of their sample was receiving Aid to Families with Dependent Children (cf. Avante, 1978:41). We too encountered similar findings. In our sample, as seen on Table 221, one percent stated that they or a household member was currently receiving AFDC. No one in our sample was receiving unemployment compensation. The zero percentage encountered in our sample reflects the high percentage of males employed (93.9%) and the substantial percent of women in the labor force (37.1%).

No one in this subsample said that they were receiving Catholic Charities, a finding dissimilar to the Avante

findings. The fifteen percent figure in Avante was biased, as noted by Avante researchers, since interviews were conducted via these agencies.

Only one person in our subsample answered affirmatively to a question on utilization of Migrant Health Services. Obviously, in Houston we would not expect to find such utilization where the undocumented immigrants are found primarily in manufacturing, construction and the services sectors (cf. pages 67-69).

The findings of this preliminary report then are in line with all previous research on utilization of governmental funded social services. That is, very few undocumented immigrants and in most cases less than 5-10% of this population utilize social services which are federally funded. An imbalance between social services used and contributions to federal tax bases thus arises. The media often fails to recognize this imbalance.

In addition undocumented immigrants are also stimulating the local economies where they reside through consumption (increased demand). These immigrants work, pay taxes through wage-deductions, buy and consume while hardly ever utilizing social services they have more than likely paid into.

RESIDENCY INTENTIONS

An important variable regarding undocumented immigrants is their intention to stay in the United States. North and Houstoun in their research asked of those immigrants who were to be deported or leave voluntarily if they planned to come back. Over 60% (of 685) responded affirmatively to this question (cf. North and Houston, 1976:94). The Avante researchers found that 55% of the El Paso sample and 37.7% of the McAllen sample planned to stay in the U.S. (cf. Avante, 1978:31).

In our study we asked the undocumented immigrants if they planned to return to Mexico. Only 12.5% responded affirmatively to this question while 85.6% said no and 1.9% were unsure or didn't know. Our subsample clearly intends to remain in the U.S. A follow-up question asked the immigrants (who said they would not return to Mexico) why they would not return. Forty-three percent (43%) responded that they have what they want here in the U.S. Another 32.1% said that they would be unable to earn a living back in Mexico.

Table 23A

PATENTS OF UNDOCUMENTED CHILDREN PLANNING TO RETURN TO MEXICO

	N	%
Yes	13	12.5
No	89	85.6
Don't Know	2	1.9
	104*	100.0

*1 missing case

Table 24A

RATIONALE OF PARENTS FOR NOT RETURNING TO MEXICO

Unable to earn a living	17	32.1
Have what we want here	23	43.4
To visit only	1	1.9
Other	12	22.6
	53*	100.0

*36 missing cases

The "other" category remains to be disaggregated by type. North and Houston found that of the Mexican apprehended undocumented immigrants: "80.6% of the Mexican illegals who said they wanted to return reported that they wanted to come back in order to get a job...illegals working in the Southwest were even more likely to report that they wanted to come back because they wanted a job (83.2%)...(North and Houston, 1976:94)."

We also asked the parents how long they planned to stay in the U.S. Almost two-thirds said they would stay permanantly (N=63; 65.6%), while another 26% would stay as long as possible for a sum of 91.6% who plan to remain indefinately. No one of the parents of the children indicated they would stay in the U.S. if schooling were available for their children.

Table 25A

INTENDED LENGTH OF STAY IN U.S.
OF PARENTS OF UNDOCUMENTED CHILDREN

Permanently	63	65.6
As long as possible	25	26.0
If schooling available for children	0	0.0
Less than one year	0	0.0
Don't know	0	0.0
Other	8	8.3

Almost all of the undocumented immigrants in our sample plan to establich permanent residency in the U.S.--94.8% or 92 parents. The balance do not. Of El Paso respondents in the Avante survey who planned to stay in the U.S., 91% plan to try to obtain legal residency in the United States while 38.3% of respondents in the Edinburg/McAllen sample plan to obtain such status.

Over 90% (N=72; 92.3%) of our respondents plan to naturalize. We can conclude then that the respondents in our subsample plan to stay in the U.S. as long as they can (permanently), and either plan to establish permanent residency or plan to naturalize.

PLAINFIFF'S EXHIBIT 209

MEXICAN MIGRATION TO THE UNITED STATES: CAUSES, CONSEQUENCES, AND U.S. RESPONSES

Wayne A. Cornelius
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Prepared for the Brookings Institution-El Colegio de Mexico Symposium on Structural Factors Contributing to Current Patterns of Migration in Mexico and the Caribbean Basin, June 28-30, 1978, Washington, D.C.

[page 14]

These major waves of migration tend to obscure the fact that there has been a continuous flow of migrants from Mexico's densely-populated central plateau region to the United States since the 1880's. Improvements in transportation within Mexico played a crucial role in inititating the flow (Clark, 1908; Taylor, 1933:34; Craig, 1978:108, 208—209): regular passenger sevice on the railroad line connecting Mexico City to El Paso, Texas, began in 1884. Indeed, the railroads served not only as the mode of transport by the principal source of employment for Mexican migrants to the U.S. in the late 19th and early 20th centuries. Often recruited in Mexico by U.S. railroad agents, they worked on railroad construction crews in the Southwest and on track maintenance crews from Oregon to Texas and from California to Kansas and Illinois. By 1090, Mexicans comprised more

than 17% of the total maintenance force on the nine most important western U.S. railroads (Reisler, 1976:18). The now large Mexican communities in such midwestern cities as Chicago, Detroit, Gary(Indiana), and Kansas City began to form during this period, as migrants left the railroad track crews to seek employment in industry and the stockyards.

Changes also had a profound impact on Mexican migration. The expansion of the transportation network and the introduction of intensive irrigated agriculture in the U.S. Southwest created a heavy demand for uskilled labor. Passage of the Chinese Exclusion Act of 1882 had created a shortage of Chinese coolie labor, and Mexican workers became essential to the rapid expansion of southwestern agriculture. They worked at clearing the land of underbrush to permit cultivation, harvesting cotton, fruits, and vegetables, tending livestock, and in the mines (Reisler, 1976: 3-17). Even then, the wages being offered for railroad and agricultural work in the U.S. (about $1.00 to $1.25 per day) were princely by Mexican standards.

In 1910 the Mexican Revolution erupted, and during the decade which followed large numbers of Mexican migrated to the U.S. to escape the widespread violence, disruption of food supplies, high inflation, and lack of employment resulting from the Revolution. The geographic mobility of the rural Mexican labor force was also increased during this period by the destruction of the traditional hacienda debt-peonage system in many parts of the country. For the fist--and probably the last--time in U.S. history, tens of thousands of Mexicans were readily admitted to the United States during the 1911-1915 period as economic refugees, whom the Commissioner General of Immigration chose to define persons suffering from "industrial depression and its attendant evils" (Commissioner General of Immigration, 1916:397).

These "push" factors on the Mexican side of the border interacted with a new set of "pull" factors in the U.S.: The demand for Mexican farm workers in many parts of the South and Southwest was increased by depletion of the former labor supply--poor white and black laborers, who had begun their own migrations northward to such cities as Chicago, Detroit, and New York seeking better-paid jobs, and European immigrants, whose entry into the U.S. was curtailed by World War I and the restrictive U.S. Immigration Act of 1917 (from which Mexicans had been exempted). The U.S. entry into World War I only served to intensify the labor shortages in the Southwest and northern industrial areas.

World War I was followed by an economic recession, and with it the first of the mass "repatriation" campaigns aimed primarily against Mexican migrants. Urged on by labor leaders and politicians, mobs of native-born Americans in Texas, Oaklahoma, and other states launched attacks on Mexicans in their work places; vigilante groups terrorized them in their homes and destroyed their property. During 1920 and 1921, nearly 100,000 Mexicans left the U.S. under varying degrees of coercion (Cardoso, 1977).

The late 1920s brought a new wave of Mexican migrants from the central plateau region (Jalisco, Michoacan, Guanajuato, Zacatecas, parts of other states), which had been spared the worst ravages of the revolutionary conflict of 1910-1917 (see Craig, 1978: Chap. 3). A long-intensifying conflict between the Catholic Church and the Mexican government erupted into an armed insurrection known as the Cristero rebellion. Concentrated primarily in the central plateau region, the rebellion had highly disruptive effects upon it from 1926 to 1929 (and in some parts well into the 1930s), forcing thousands of workers northward to the United States (see Taylor, 1933: 36-40). Also, in 1927, a railroad linking Guadalajara with Nogales, Arizona, was

completed, stimulating a new flow of migrants from the central plateau region to California and Arizona.

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The migrants' expressed preferences correspond closely with their actual patterns of behavior. Among the most recent group of illegal migrants in my sample, the median length of stay during their last trip to the U.S. was 5.5 months. Not surprisingly, those who held non-seasonal jobs in commerce, services, and industry tended to remain for longer periods than those employed as seasonal agricultural loborers; but even among the non-agricultural workers, the average length of stay was well under one year.

The weight of the evidence clearly indicates that the majority of Mexicans who now migrate to the U.S. illegally do not aspire to permanent integration into U.S. society. What most of them seek is occasional, short-term access to income-earning opportunities in the U.S. Zarrugh reports that even those migrants from on village in the Mexican central plateau region who have been living in California for 10 years or more continue to regard themselbes merely as sojourners, intending to return to Mexico to retire. And she notes that for some this is not just an idle dream: "a substantial number" of elderly migrants have actually returned to their home village to live (Zarrugh, 1974: 177, 208). None of the more than 200 U.S.-based migrants included in Zarrugh's study had even applied for U.S. citizenship; most cited their probable return to Mexico as the principle reason for declining to become naturalized (1974:80).

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These and other kinds of jobs often held by Mexican illegals have several characteristics in common. They require little or no technical skill and only a rudimentary

command of English, if any at all. They involve dirty, often physically arduous tasks, wages at or slightly above the legal minimum, low social status, low job security (often due to the short-term or seasonal nature of the work), and little chance for advancement. In short, they are menial, unstable, dead-end jobs, which are nevertheless attractive to the migrant by comparison with the alternatives in his home community. When the Mexican illegals employed in these kinds of urban jobs are combined with those still working in stoop agriculture labor, it becomes apparent that very few are occupying what might be considered "choice" blue-collar jobs.

Michael Piore and other economists have noted that all industrialized economies generate a certain number of low-skill, low-wage, low-status jobs, which nationals of these countries tend to either reject out of hand or accept only under conditions of extreme economic hardship (Piore, 1976, 1977b). In the United States, the number of such jobs (outside of the agricultural sector) has not declined appreciably in recent decades (see Stewart, 1974: 116—118; Wool & Philips, 1975). Mexicans are only the most recent migrant group to fill them; their redecessors in this so-called "secondary labor market" have included immigrants from southern and eastern Europe, Chinese, Japanese, and Filipinos, and U.S.-born blacks from the rural south.

Several questions immediately occur: Why do jobs of this type continue to exist, in the midst of an advanced industrial society? Why are they shunned by native-born Americans? If Mexicans and other foreign migrant workers were not available to fill them, would the jobs continue to exist? If not, what purpose is served by restrictive measures which would attempt to block the access of the foreign migrant to these jobs? Advocates of a restrictive immigration policy have quick and simple--perhaps excessively simple--answers

to all these questions: The jobs exist because employers, benefiting from an abundant supply of cheap migrant labor, have had little incentive to structure their operations in an efficient manner; simply by "rationalizing the productive process" they could greatly reduce their needs for uskilled labor. The jobs are unattractive to native Americans because employers have diabolically "structured jobs that are so demeaning that only the frightened and desperately poor undocumented worker will take them" (Marshall, 1978b:5). Above all, the highly exploitative wage scales for these jobs repel unemployed American workers; almost any kind of job can be filled if the wage is high enough. Some jobs undoubtedly would be eliminated by employers if migrants were not available to fill them, but most of these jobs are not worth preserving anyway; the American economy and society should not be "subsidizing" marginal, inefficient operations by allowing them unresticted access to foreign migrant labor.

Few restrictions still cling to the earlier, simplistic notion of direct, one-to-one job displacement of domestic workers by illegal migrants which was popularized a few years ago by INS Commissioner Leonard Chapman ("give me a thousand more [Border Patrol] men, and I'll liberate a million jobs for U.S. citizens..."). The more recent, more sophisticated vesion of the argument holds that, while illegal migrants probably do not displace American workers directly, they do so indirectly, by depressing wages and working conditions in those sectors of the labor markey where they cluster:

> "The presence of illegal aliens in the labor market—desperate for work of any kind—undermines the very structure of the labor market....in two ways, by their numbers, and if you will, by their manners....Common sense suggests, all else being equal, that wages will remain stationary or fall if there are substan-

> tially more workers than jobs. And then there is the matter of the manners—illegal aliens are, in many circumstances, a *preferred* work force; they are dcile, because they are desperate; they work 'hard and scared,' to quote Ray Marshall. Thus the principal impact of illegal aliens on the labor market is....the creation of the self-fulfilling prophecy that illegals take jobs which legal workers will not accept. Were these jobs to be forced up to competitive standards, some of course would simply disappear, as employers either went out of business or reorganized their activities around the concept of high priced labor [i.e., they would mechanize]; others would become attractive to legal workers. In short, either directly or more often indirectly, illegal aliens are decreasing job opportunities for legal workers." (North, 1977: 5-6).

Does illegal migration "create unemployment" among the U.S. domestic work force? While restrictionists seem to feel that the drawing of "common sense" inferences is sufficient to prove their case, and have not pursued the kind of research that might generate direct evidence bearing on the question, there are fragmentary data available which—if anything—demonstrate how tenuous is the purported relationship between illegal migration and the U.S. unemployment problem.

If illegal migration from Mexico were decreasing job opportunities for significant numbers of American workers—either directly or indirectly—it follows that unemployment rates should be higher in those parts of the country having large concentrations of Mexican illegals, and lower in areas with few illegals. Of course, this is not the case: some of the lowest unemployment rates in the U.S. are found in the "Sunbelt" areas having the largest concentrations of illegal Mexican migrants. The data presented in Table 6 show that during all but

two of the last 10 years, the unemployment rate in eight of the labor markets most heavily affected by Mexican migration has been *lower* than the national unemployment rate—during a period in which the volume of illegal Mexican migration (as indicated by INS apprehensions) was increasing at an average annual rate of 25%.

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There is, indeed, a long history of wage exploitation and other forms of employer abuse against migratory Mexican labor in U.S. agriculture, both before and during the period of the *bracero* program (see McWilliams, 1939, 1942; Galarza, 1964, 1970, 1977). For example, some farm owners made it a practice to turn in their illegal migrant workers to the INS at the end of the harvest season, before they could collect their pay. Such practices seem rare now, owing in part to the current policy of the INS, which is to help apprehended illegals to collect their wages before they are returned to Mexico (Cardenas, 1977: 196; Castillo, 1978c). Even before this policy was adopted, however, only 17 out of 493 apprehended Mexican illegals included in Bustamante's early survey complained that their employer had turned them in to the Border Patrol in order to avoid paying their salaries; and 14 of these 17 migrants had been working in Texas! (Bustamante, 1978: 190).

Nor is exploitation in the form of paying illegal migrants at a rate below the legal minimum wage the normal practice today. Recent research has shown that no more than a quarter to a third of Mexican illegals are now paid less than the minimum wage.

PLAINTIFF'S EXHIBIT 210

A SURVEY OF THE UNDOCUMENTED POPULATION IN TWO TEXAS BORDER AREAS

Prepared by Avante Systems, Inc. and Cultural Research Associates

U.S. COMMISSION ON CIVIL RIGHTS

Texas State Advisory Committee

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An important finding was that less than one-fifth thought they might be replaced by United States citizens if they were to leave their current jobs. Those responding affirmatively though that if United States citizens were to be employed, they would receive better wages than the undocumented persons, but treatment would otherwise be relatively equal.

The survey indicates displacement of United States citizens' jobs to be unlikely for another reason. Almost three-fourths did not need to speak English on the job, and fifty-six percent (56.0%) didn't need to understand English.

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The respondents were also aksed if they found the Mexican American community helpful. Sixty percent of the El Paso respondents did not, while 23.0% did find Mexican Americans helpful. In the Edinburg/McAllen sample the responses were not so well defined. Thirty point seven percent find Mexican Americans helpful, while 28.3% do not and over a third had no answer. This information is difficult to interpret given that answers

were likely to be noncommittal; for example, respondents would answer: "No mas que mis amigos y familia; de quien habla?" ("No more than my friends and family; of whom are you speaking?") One respondent stated, "A todo Mexicano se sospecha de ser illegal...." ("All Mexicans are suspected of being illegal....") This feeling might tend to promote resentment among Mexican Americans.

PLAINTIFF'S EXHIBIT 294

TEXAS EDUCATION AGENCY

ANNUAL REPORT OF REVENUE, EXPENDITURES AND FUND BALANCES FOR THE TWELVE MONTHS ENDED AUGUST 1979

[page 10]

Federal grants receivable represent the unreceived amounts deemed to have been earned by expenditure or commitment against federal awards. This is reflected on Schedule II and the supplementary schedules.

Fund Balances of Operating and Program Funds are categorized to indicate their composition. Program encumbrances represent primarily the amounts of federal assistance recivables which have been committed to the school districts. Unobligated funds represent uncommitted against which further obligations are restricted either as to time or purpose or both; the bulk of this balance is in the Available School Fund. Unrestricted funds represent funds earned on federal programs, interagency contracts, deposits, etc., which are deposited in the Special State Fund.

Note 4:

The budget for the Foundation School Program to be funded from State funds as approved by the Foundation School Program Budget Committee was $2,163,952,154 or as much thereof as might be necessary from the following funds:

	Budget
Foundation School Program:	
Available School Fund	$ 730,064,532
Foundation School Fund	$1,433,887,662
Total	$2,163,952,154

Appropriation estimates in House Bill No. 510, Sixty-fifth Legislature, R.S., 1977, the General Appropriations Act, were:

	Estimated Appropriations
State Funds:	
Foundation School Program—	
General Revenue Fund	$ 659,773,221
Foundation School Fund	$ 451,790,888
Available School Fund	$ 680,563,676
Total Foundation School Program	$1,792,127,785
Textbook Fund	2,346,875
Traffic Safety Fund	487,045
Certification and Proprietary School Fees	171,425
Total State Funds	$1,795,133,130
Federal Funds	411,692,293
Total	$2,206,825,423

The variations in distribution between estimated appropriations and expenditures for the Foundation School Program funds and expenditures appearing in Schedule I are due to the statutory requirement that the General Revenue Fund bear these educational program costs in excess of the funds available in the Available School Funds and the Foundation School Fund and to final adjustment of advances to school districts.

PLAINTIFF'S EXHIBIT 301

PROCEEDINGS OF THE INTERNATIONAL LITERACY DAY CONFERENCE

Washington, D.C. **September 8, 1978**

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DR. BOYER

Keynote Address
Dr. Ernest Boyer
Commissioner of Education

. . .

This conference celebrates the thirteenth UNESCO International Literacy Day. It is based on the central premise that literacy—acquiring written language skills—is a basic human right. It acknowledges that the capacity to send and recieve messages sets humanity apart from all other forms of life, and that through language we are bound together in the profound interdependence we call society.

All we know, all we fear, and all we hope is created and conveyed through symbols, and a man or woman who does not master the written word is isolated from the past, ignorant of the future, trapped in a tiny world of

narrow possibilities, and tragically cut off from the benefits of life.

President Carter, in his International Literacy Day proclamation, declared that "Education is one of the most important gifts our society can give to its people..." Especially in our modern world—adequate communication skills are essential to improve the lives of all people, and guarantee their basic human rights. The President went on to say that every illerate adult is an indictment of us all.

Word symbols are indeed essential: they are the building blocks of complex thought. And language not only gives us dignity and freedom—it gives us the capacity to create as well.

The noted Brazilian educator and philosopher, Paolo Freire, observed that, "Learning to speak and write ought to be an opportunity for men to know what speaking any word really means: a human act implying reflection and action. As such it is a primordial human right and not the privilege of a few." This is the central thesis of this conference.

In recent years our global push for literacy has made dramatic gains. From 1950 to 1960 illiteracy—worldwide—dropped from 44.3 to 39.3 percent. From 1960 to 1970 it dropped again, to 34.2 percent. And it has been estimated that today "only" 20 percent of the world's population cannot read or write.

But these statistics conceal much more than they reveal. In recent years, millions of people have indeed been taught to read and write, and yet these gains have not kept pace with population growth.

It has been estimated that more than 20 million adult Americans are functionally illiterate—they just do not have the language skills they need to get along. The central inescapable facts persits. Illiteracy in both the so-called developing and the developed regions of the world is a human curse which cannot be ignored. A renewed national and international commitment to worldwide literacy is required.

In American excellence in language must the Nation's goal. Every child must be taught reading and writing fundamentals during the first three years of formal education. And in the upper grades all children must develop vocabulary and language comprehension.

This commitment to teach all children to read and write effectively is, I am convinced, a realistic goal. After all—before they ever come to school—all children havea already mastered the fundamentals of communication.

During the first 3 years of life each child—except the moste severely handicapped—begins to understand the miraculous process we call language. Each child converts thoughts and feelings into symbols we call words. Each child automatically interprets sound distinctions we can phonemes. And, each child—with little or no coaching— shapes the tongue and teeth and oral cavity to reproduce such complicated sounds as "R" and "L" and "N" and "K."

To move from the spoken to the written word is simply an extension of a profoundly complicated process already acquired by young children, and we should assume success, not failure, for each student. To put the issue as pointedly as I can—I'm convinced children will learn to read and write in school if these skills are given top priority.

President Carter—in the Basic Skills and Educational Quality Act he has sent to Congres—has underscored the fact that teaching every child to read and write is a top priority of this Administration. In the proposed legislation every State is encouraged to develop a statewide literacy plan—both for young children and adults. The new legislation also calls for a closer partnership with parents. Schools cannot teach children all alone and parents must participate more actively in the education of their children.

PLAINTIFF'S EXHIBIT 438

ILLIGAL ALIENS

Impact of Illegal Aliens on the County of San Diego January 1977

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The following data are the results of the survey:

1. *Sex.* All of the 217 respondents were males. This was the case since only males are detained at the Chula Vista Border Station due to inadequate detention facilities. Apprehended females and children 14 years and under are, as a rule, placed on a bus or special van and transported to the International Border Station at San Ysidro, California, where they are then escorted into Tijuana, Baja California.

2. *Age.* The ages of the 217 respondents ranged from 15 to 61 years of age and the average age was 26.8 years. More specifically, 23 percent were 15-20 years of age; 54 percent were aged 21-30; and 23 percent of the respondents were aged 31-65. The average age of 26.8 years

compares closely to the average age of 28.5 determined by David S. North and Marion F. Houstoun in a similar study performed for the U.S. Department of Labor of 793 apprehended illegal aliens. The survey by North and Houstoun was conducted in 19 different sites across the country, of which San Diego was not one of the sample sites. The North-Houstoun survey was performed at INS District Offices such as Los Angeles, New York City, San Antonio, Detroit, Chicago, Miami, Seattle, San Franciso, Newark and Washington, D.C.

3. *Country of Origin.* Mexico was the country most cited by the respondents as their country of origin. Of the total 217 illegal aliens interviewed, 95 percent were from Mexico; 4 percent from Guatemala; and 1 percent from the country of El Salvador.

4. *Marital Status.* The marital status of the 217 illegal alien respondents was divided almost equally between married and single persons. More precisely, 51 percent of the interviewees were single; 45 percent were married; while the balance of 3 percent were separated. The statistics on married respondents determined by this survey compares closely to the 47.7 percent marital status determined by the North and Houstoun study of March 1976.

5. *Education.* The U.S. civilian labor force 18 years or older has an average of 12.4 years of schooling. In comparison, the survey to ascertain the educational level of the 217 illegal alien respondents determined that 32 percent of those interviewed had 1-3 years of schooling; 32 percent had 4-5 years of education; 12 percent had 7-9 years; and 4 percent had 10 years or more. This indicates that almost 65 percent of the respondents had no more than a 5th grade education.

6. *Location at Time of Apprehension.* It cannot be said that illegal aliens are mostly found residing and

working in areas noted for having a high percent of legal resident aliens. Statistics indicate, and Border Patrol Officers state that illegal aliens will travel as far as necessary to obtain and hold employment.

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14. *Method of Salary Payment.* Three quarters of the respondents were paid by check (75%), 8 percent were paid in cash; 2 percent received cash plus room and board; 7 percent were paid by check and in room and board; 1 percent received only room and board; 1 percent were paid only in commodities; and 6 percent preferred not to respond to the question.

These results correspond closely to the study performed by Bustamante of El Colegio de Mexico, of 509 illegal aliens returned to Mexico by way of eight Mexican border cities. His study revealed that 85.3 percent of the interviewees were paid by check, 7.7 percent were paid in cash, and 6.3 percent stated that they had not been paid and wages were owed them.

15. *Taxes and the Illegal Alien.* On the question of whether employers deducted taxes (unemployment insurance, compensation insurance, social security, disability insurance), from the wages of those illegal aliens found employed at the time of apprehension, 81 percent of the respondents stated that various forms of taxes were deducted from their income...

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Internal Revenue Service Officials, however, believe that illegal aliens do pay their share of taxes since it appears that most employers in San Diego do apply the appropriate taxation to illegal alien wages. This perspective is also shared by the San Diego Farm Bureau. Both maintain that it behooves the employers to impose the

appropriate tax structure to illegal alien wages, otherwise the employer is liable for any deficiencies upon audit by the Internal Revenue Department.

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According to Los Angeles Times report, the perspective of jobs becoming available as a result of illegal aliens vacating job slots failed to materialize in Los Angeles when 2,154 illegal aliens were apprehended while on the job. In this case, the State Human Resources Development Agency identified the newly created job slots and attempted to fill the 2,154 vacancies with citizen residents living in Los Angeles area. the effort failed. Some of the reasons for the failure were: (1) most employers paid less than the minimum wage rate, (2) the job categories were not appealing to the local resident (a matter of prestige), and (3) applicants were discouraged by not only the low wages but also the difficulty of some jobs, and the long hours demanded by the employers.

In San Diego, the displacement of local residents by illegal aliens in job categories during unemployment is an issue of much debate and great concern. San Diego reached an all time high in unemployment statistics when the number of workers out of a job reached 11.8 percent in June of 1976. Advocates of "crackdown measures" on illegal aliens cite the issue of unemployment and the balance of payments as a grave problem to the nation.

Persons who defend the issue of illegal aliens on moralistic values contend that undocumented immigrants should be allowed to accept existing jobs when in fact it is not illegal for employers to hire illegal aliens. Additionally, these same defendants argue that illegal aliens work at jobs not wanted by the general American public as a result of low wages, difficulty of work, and

the social stigma attached to manual labor. North and Houstoun determined that illegal aliens do not displace Americans within the skilled labor market. They do, however, compete for jobs within the secondary labor market level with disadvantaged people. At this level of competition the outcome is determined by who is willing to accept the lowest wages and work the longest hours. The following is a quotation by North and Houstoun:

> "...Certainly, the findings of our survey are consistent with the claim that illegals are 'taking jobs that no American wants'. Most respondents were working their occupation, their wages, and their hours. Clearly, the majority of our respondents had found employment in jobs that, for the most part, offer the least in economic rewards, social status, job security and upward mobility. Few were earning incomes that would provide a family with more than a subsistence level of life, by American standards.

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In April 1975, the responsibility for "indigent burials" shifted from the County DPW to the County Public Administrator. Research during the period of April 1975 through June 1976 indicates that a total of 41 illegal aliens were provided burial services at County expense--the cost was $8,079. All 41 of the deceased persons were of Spanish surname as identified by the documents in their possession.

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Chapter 4

CONCLUSIONS AND RECOMMENDATIONS

This chapter includes conclusions of the study, implications of the findings and recommendations. The chapter also includes issues recommended for further research.

CONLUSIONS

Based on the data of six selected areas of study, the San Diego County Immigration Council concludes that the major factors causing the illegal immigration phenomenon between the United States and Mexico are international disparities in economic conditions and job opportunities. It is also concluded that illegal aliens do impact local social services by approximate yearly cost of $2,000,000, and it is further estimated that illegal aliens contribute an approximate yearly total of $48,800,000 in taxes from wages earned locally.

It is concluded that San Diego is the most impacted area in the world by the flow of illegal aliens. In this regard, San Diego comprises but 3.3% of the 2,000 mile border front to Mexico, yet San Diego accounts for 43% of the total number apprehended along the border. This figure represents of all apprehended in the San Diego County area are from the country of Mexico.

Illegal immigration increases annually and research indicates that most illegal entrants are apprehended from two to six times or more.

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aliens such as those performed by David North and Marion Houstoun and Jorge Bustamante. Their studies indicate the United States government is receiving

much more from the illegal aliens in the form of tax and social security deductions than what the illegal aliens receive in social services.

The study area concerning exploitation was covered by a series of interviews with Chicano community-based social service agencies and individuals who are in a position to have contact with illegal aliens. Additionally, interviews were conducted with 217 apprehended illegal aliens that were detained at the Chula Vista Detention Center. Based on the data obtained from the two categories of interviews, it can be reasonably concluded that some illegal aliens are exploited by employers and landlords. Accounts of exploitation have been reported in local newspapers such as the recent article which cited a case of a rancher in Borrego Springs who was convicted for transporting and harboring illegal aliens. It was alleged that he paid the illegal workers $1.00 an hour for a 14-hour day.

PLAINTIFF'S EXHIBIT 448

A SURVEY OF TEXAS INDEPENDENT SCHOOL DISTRICTS AS A FUNCTION OF THE ALIENAGE PROVISIONS OF SECTION 21.031 OF THE TEXAS EDUCATION CODE

By

Gulf Coast Legal Foundation

March 1980

[page 5]

Table 1

Question 1: "Prior to the Fall of 1975, did your school district exclude undocumented

alien children on the basis of their immigration status?"

Independent School Districts with Enrolled Student Population of 10,000 or more			Independent School Districts with Enrolled Student Population under 10,000		
	Number	Percent		Number	Percent
Yes	4	17.4	Yes	1	4.2
No	19	82.6	No	23	95.8
Totals:	23*	100%		24**	100%

* 6 missing cases
** 7 missing cases

Table 2

Question 2: "Do you currently have enrolled any undocumented alien children who are paying tution?

Independent School Districts with Enrolled Student Population of 10,000 or more			Independent School Districts with Enrolled Student Population under 10,000		
	Number	Percent		Number	Percent
Yes	0	0	Yes	0	0
No	25	100	No	26	100
Totals:	25*	100%		26**	100%

*4 missing cases
**5 missing cases

Table 3

Question 3: "If an undocumented alien child attempted to enroll in your school district, what would you presently do: (a) admit child free; (b) admit child upon payment of tuition; or (c) exclude child entirely?"

Independent School Districts with Enrolled Student Population of 10,000 or more			Independent School Districts with Enrolled Student Population under 10,000		
	Number	Percent		Number	Percent
Admit free	6	25	Admit free	7	28
Admit tuition	6	25	Admit tuition	5	20
Exclude	11	45.8	Exclude	3	12
Don't know	1	4.2	Don't know	10	40
Totals:	24*	100%		25**	100%

*5 missing cases
**6 missing cases

PLAINTIFF-INTERVENOR EXHIBIT 47

PRELIMINARY REPORT
DOMESTIC COUNCIL COMMITTEE
ON ILLEGAL ALIENS

DECEMBER 1976

[page 132]

C. PERSONAL CHARACTERISTICS

A review of data relating to personal characteristics can be extremely useful in assessing the impact of the presence of the illegal alien. For example, if the population is young, we can predict that the group will not place heavy demands on services for the aged in the near future. If the population is predominantly male, we can expect that demands on hospital maternity facilities would be small.

Nationality

There is little data available on the national origin of the illegal alien population. The most comprehensive data is the numbers of deportable aliens apprehended by the INS. Ninety percent of apprehended illegals are Mexican citizens. The non-Mexican apprehended groups break down as follows:

	Percentage	Number
Canada	12%	9,362
British West Indies & Belize	7%	5,512
Greece	6%	4,619
China	5%	4,204
Dominican Republic	5%	3,601
Philippines	4%	2,804
United Kingdom	3%	2,334
Others	59%	45,750*

*Only countries with over three percent representation in this population have been included. Because of rounding, percentages add up to 101%. (INS, 1975)

While it is reasonable to assume that Mexican nationals form the largest element within the illegal alien population, it is probable that they constitute far less

than ninety percent. Several researchers have suggested that the true percentage is closer to sixty percent, but this estimate appears to be no better than an educated guess. (North, 1976) As previously mentioned, the apprehension rate is biased by the emphasis of the INS enforcement activity. It is also biased by the ease in identification of many Mexicans on the basis of racial characteristics. Another aspect of enforcement efforts which may further skew the figures is that the INS spends relatively little effort in attempting to locate visa abusers. If we are to believe the findings of certain studies, fewer Mexicans are in the visa abuser category. (North, 1976)

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The study done by the Mexican Government in 1972 revealed that although eighty percent of those interviewed stated that they were willing to go back to the U.S., sixty seven percent reported they were not paid regularly and/or were still owed wages when apprehended. (Mexico, 1972)

Availability of Jobs:

Many of the illegals apprehended by INS are discovered at their place of work. While no clear indication of the success rate of undocumented workers in finding employment is available, some information is available for the Mexican group.

Some studies indicate that a number of illegal aliens have considerable difficulty in finding jobs. One study reported that finding a job presented far more difficulty for the illegal alien than eluding the INS. A second study indicated that only forty-seven percent of the voluntary departures interviewed were abel to find a job. An earlier study indicated that most illegals are unsuccessful in locating a job. (Cornelius, 1976; Mexico, 1972; Samora, 1971)

DEFENDANT' EXHIBIT 4-16

PORTIONS OF BOE V. WRIGHT

DALLAS I.S.D. LITIGATION, HEARING ON APPLICATION FOR PRELIMINARY INJUNCTION

TESTIMONY OF WILLIAM J. CHAMBERS

[Page 137]

Q. Would you please state and spell your name for the record?

A. Yes. I'm William J. Chambers, (spelling) C-h-a-m-b-e-r-s.

Q. And what is your present occupation, sir?

A. I am District Director of the U.S. Immigration and Naturalization Service for the Dallas District.

Q. And for how long have you held that position?

A. Since April of 1977.

Q. And prior to that time were you employed with the Immigration Service?

A. Yes, I was.

Q. For approximately how many years?

A. Approximately twenty-nine.

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Q. Are you aware of the number of non-immigrant students in your total district office?

A. We had a survey in recent months past and we had a total in the vicinity of sixty-five hundred within the Dallas district.

THE COURT: Sixty-five hundred non-immigrant students?

THE WITNESS: Visa students.

THE COURT: Visa students?

THE WITNESS: These are ones who have entered the country, are legally in student status within the district.

THE COURT: How big is your district?

THE WITNESS: We cover North Texas, the 120 northernmost Counties of Texas, which is more or less a line just above Waco straight across to the Louisiana border to New Mexico, everything north of that in Texas, plus the State of Oklahoma.

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Q. Approximately how many children do you think have been put through deportation procedures in the past twelve months, let's say, in this District office?

A. Not – very few. Generally we do not issue on children because generally there is no problem with them taking whatever action is indicated as far as the parents is concerned. I do have personal knowledge of a particular instance where the mother was ordered deported and we did not issue as far as the children were concerned and they refused – they refused to depart. So then we had to in turn issue orders, take the children to hearing before they could be removed.

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Q. Do you have any sense or can you make any estimate at all as to the number of people that this 13,000 figure that you mentioned as to the number of that 13,000 that brought children with them here into the United States, the approximate percentage? Do you have any feeling for that at all?

A. I would say less than five percent. This is a – solely an estimate on my part.

Let me add also that within our District our manpower precludes us from patrolling the illegal alien situation. Consequently, we get the most out of our manpower possible so we do not concentrate on seeking out families. Our priorities for the past few years have been locating employed aliens and, consequently, we have not concentrated on removing families. This is one of the reasons why we have very few figures or statistics as far as families and children.

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THE COURT: Do you have an opinion as to the number of illegal aliens in your District?

THE WITNESS: We have what we use for our own purposes based on the various things, prior apprehensions, and our knowledge of our area, and we estimate that within the Metroplex area which is the main population of our District, that there's probably in excess of a hundred thousand illegal aliens within the Metroplex area and including our complete District, including Oklahoma, in excess of two hundred thousand.

THE COURT: What's the Metroplex area, for the record here?

THE WITNESS: Dallas, Fort Worth and suburbs.

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Q. Do you think or do you have an opinion as to whether or not figures since 1975 have increased even higher than that?

A. They have continued to increase yearly since that time.

Q. Yes, sir. And in the words of the House Judiciary Committee, "This wholesome violation of the law disrupts that legal and orderly flow of aliens into the United States and threatens the integrity of our system of immigration. The 766,600 aliens apprehended in fiscal year 1975 is almost double the 386,194 immigrants admitted legally during the same year."

Would you agree with that?

A. Yes, this is a continuing trend.

Q. That's 766,600 apprehended in '75. Do you have any knowledge or figures more current than that?

A. Yes. The past – the past fiscal year in excess of one million were apprehended.

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Q. Yes, sir. Would you have an estimate as to ratio or percentage between the number of illegal aliens apprehended and actual number who are here and unapprehended?

A. Well, one figure that we have used within the Service over a continuing period of time is that we probably do not apprehend more than one out of eight that crosses the border.

Q. Is that a conservative estimate?

A. I feel it is.

Q. It may be higher?

A. It could be.

THE COURT: You're talking about eight million?

THE WITNESS: I'm referring to the fact that we estimate we only apprehend one out of eight.

THE COURT: One out of eight. So, you apprehend, say – I forgot what the figure was.

THE WITNESS: In excess of a million in the past fiscal year.

THE COURT: In excess of a million. So, you think there are seven million more?

THE WITNESS: I would say that that's a good possibility.

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Q. Would you think presently it's in excess of the twelve million if it were twelve million in '75?

A. Of course, you've got an in and out flow as far as aliens are concerned. I think the twelve million estimate would be a legitimate estimate.

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Q. Now, do you think it would also be attractive to aliens if they could get a free public education for their children in Dallas, Texas?

A. I think that would be attractive to most anyone.

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Q. (By Mr. Smith) Of the deportable aliens apprehended in fiscal year 1975, 87 percent have entered the country surreptitiously and 99 percent of these entries were across the Mexican border. Would you agree with that?

A. Yes, I'm sure this is true.

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TESTIMONY OF MANUELA PRUNEDA

Q. Would you please state your full name?

A. My name is Manuela Pruneda.

Q. Spell that for us.

A. M-a-n-u-e-l-a P-r-u-n-e-d-a (spelling).

Q. Ms. Pruneda, where are you employed?

A. I work for the Dallas Independent School District.

Q. What's your position?

A. I'm Assistant Director of Personnel.

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Q. (By Mr. Florsheim) Ms. Pruneda, what would the effect be on the bilingual teachers currently employed by the Dallas district if there was a substantial influx of illegal alien children into the district?

A. Well, probably we would lose a considerable number, because many times when we bring teachers, they think "Dallas" and they have great expectations, and then when we assign them into our schools – like our buildings are very old. Some of our facilities are not what they have in other areas.

Because of our court order and the restrictions in buildings, there's this – they are not in ideal classrooms right now; and one of the key selling points is our enrollment, our 1-to-27 overall ratio where sometimes they end up with less children, and I think that if we are to increase that number and did not have that that we could use to recruit them, I would imagine that they would either leave us or they wouldn't come if they were elsewhere.

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TESTIMONY OF JACKIE ST. CLAIR

Q. Would you state your name, please?

A. Jackie St. Clair.

Q. Would you spell your last name?

A. S-t. C-l-a-i-r (spelling).

Q. Where do you live, Mr. St. Clair?

A. Austin, Texas.

Q. How are you employed?

A. I'm the Executive Director of the Texas Building and Construction Trades Council, AFL-CIO.

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Q. Has organized labor attempted to do anything about this problem?

A. Yes. We've introduced legislation.

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Q. What does it provide, in brief? Just briefly describe what it provides for.

A. It would be that anybody – that any recruiter or labor agency not having a license would be subject to a Class A misdemeanor, and anyone that was – any person or employment or labor agent who violates any provision of this act shall be guilty of a Class A misdemeanor, or any person shall be – any person shall be punished by a fine of not less than $200.00 nor more than one thousand for each common or agricultural worker. And this was strictly domestic and agricultural work.

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Q. (By Mr. Smith) Do you know of anything else that attracts them over here besides what you testified to – of your own personal knowledge?

A. Well, being one, the education. I think they put their kids in school.

THE COURT: Well, they can't get in school, can they, under Texas law?

THE WITNESS: Well, they're not supposed to.

THE COURT: That wouldn't attract them.

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TESTIMONY OF SALLY AGUIRRE DYSART

Q. Would you please state your full name?

A. Sally Aguirre Dysart.

Q. Would you please spell it for the reporter?

A. A-g-u-i-r-r-e D-y-s-a-r-t (spelling).

Q. Mrs. Dysart --

THE COURT: I got that. How do you spell Sally: with a "y" or "ie"?

THE WITNESS: With a "y."

Q. (By Mr. Florsheim) Where are you employed?

A. In the Dallas Independent School District.

Q. What is your job

Q. I'm presently the principal of Sydney Lanier vanguard school.

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Q. (By Mr. Florsheim) Digress just a moment, Mrs. Dysart. Where were you born?

A. I was born in Mexico City.

Q. Where were you educated?

A. I was brought up in Mexico City and went to school, and came to Dallas in 1956.

Q. You entered the country legally, I assume.

A. Yes, I was very legal.

Q. What is your educational background, college level?

A. Well, I graduated from Mexico -- from high school in Mexico City, and then I started out in California at a public junior college, and then I went to Washington, D.C., thought I was going to be a diplomat, and then I came to Texas and finished at Texas Tech University.

Q. What degrees do you have?

A. I have a BA an -- with my major being Spanish, my minor education, and I have a Master's in early childhood bilingual education. I have my bilingual certification, early childhood certification, supervision certification, administrative certification.

Q. Is that all in Texas?

A. Yes, sir.

Q. Okay. How long have you been with the Dallas Independent School District?

A. Eleven years.

Q. Did you start out as a classroom teacher?

A. Yes. I was very fortunate. I was the first bilingual kindergarten teacher in Dallas.

Q. How long were you a classroom teacher?

A. With the Dallas district, two years.

Q. Did you leave the district at that time?

A. Did I leave the district?

Q. All right.

A. Well, I started out as a classrom teacher and then became a program supervisor for the bilingual program at its inception in 1971.

Q. How long were you in that position?

A. How long have I what?

Q. Were you in that position.

A. As a bilingual supervisor?

Q. Yes.

A. From '71 to '74; and then I went over to early childhood supervision, and then went into curriculum writing, so I've gone through practically every phase of the educational process, from the classroom on up to the principalship.

Q. Prior to being Sydney Lanier's principal, where were you located?

A. At Bonham Elementar School – that's a K-3 center – as a principal.

Q. Was that the last school year?

A. Yes.

Q. How long were you at Bonham?

A. One year and seven months.

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Q. (By Mr. Florsheim) Based on your knowledge of the Bonham district, do you have any idea how many illegal alien children would be in that district?

A. I'd say easily a hundred.

Q. In the K-3?

A. In K-3. It would take in three or four neighboring schools, because we have had situations where the children, if they are not allowed into one school, they'll try the next one that's adjacent, so there were about three schools there that were impacted with requests for entrance.

Q. Do you think that you'd get at least a hundred at Sydney Lanier?

A. Oh, I bet we'd have three hundred easily.

Q. What effect would that have on your current program of education at Sydney Lanier?

A. Well, it has many implications, a tremendous amount of implications, because, number one, I would have to restructure the whole composition of my existing classes; number two, and maybe that should be one and starred and underscored, is that I right now have a vacancy at the fifth grade level because there are no bilingual teachers available.

I have an Anglo teacher who is there as a warm body, but she is not fulfilling her role as a bilingual teacher, and I would need at least – at least – two more per grade level to take care of these children.

Q. Per grade level?

A. Per grade level, yes, sir.

Q. Do you have the space for them? Let me ask you that.

A. No, I don't, not with eighteen portables on my campus.

Q. Are those portables full?

A. Oh, gosh, yes.

Q. Is the main building full?

A. Yes, sir.

Q. Do you have any room for more portables?

A. No. They would have to go on the blacktop, and that would be very, very bad for the physical education program.

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Q. Based on your knowledge of your district, the Bonham district, and your experience in the bilingual program, what – do you have any idea what percentage of illegal alien children might be expected to speak passable English?

A. Well, maybe one percent. If you have just come from the interior of Mexico, obviously you've not been exposed to English.

So we had one lady that tried to enroll her child – and she was from Honduras – just day before yesterday, so there was no English whatsoever; and fortunately I could converse with her in Spanish.

But the illegal alien definitely does not have a knowledge of English; and if it is, it is most limited.

I've never come across one who has knowledge of English, let me put it that way – in my experience.

Q. What about the Spanish spoken by the average illegal alien child for Mexico?

A. All right. There again it will depend. If you can say that a child is literate – that means that he knows how to read and write; therefore he has a good speaking command of the language. If he is just functional, he can only speak it but he is not ready to read and write.

There are many children – and I know, being a Mexican – that have never been in the schools in Mexico. That means that they are not literate, so that is one level of the way that we can check dominance.

So you have double trouble. If you are not functional or not literate in Spanish and not literate in English, which one are you going to choose to teach them in? If they're literate in Spanish, then you can start thinking about teaching them in English.

Q. Based on your knowledge, would you say that most of these illegal alien children would be illiterate?

A. Well, that would depend. You would simply have to ask them, what has been your experience. Have you been in school before?

If you're nine years old, you assume the child has been in three or four years, but many of the children have not, because they have traveled in the migrant stream with their parents or they have tried to get into the United States.

And that kind of society, that kind of Mexican society, is very mobile. I don't know whether you

know about the Mexican culture or not, but most -- and I'm talking about the agrarian culture.

They don't have a future orientation. They go from sunup to sundown. They talk about today: I'm not going to plan for tomorrow; all I want is to get enough in my children's mouth and a roof over my head. And if that includes school, fine; and if it doesn't include school, fine. So you have to be really knowledgeable about the culture of the average alien.

Now, there are many, many aliens that come up here -- and I was one that was educated and legal, so it's a different ballgame when you're dealing with illegal people that are fleeing -- they're scared. Once you get them in the school, they're still scared, because they're afraid they might be picked up by what they call the migra, which is immigration officials.

Q. Does that make it more difficult --

A. It makes it very difficult. I'll tell you why.

[page 645]

THE COURT: Have you had any experience with an illegal alien child --

THE WITNESS: Yes.

THE COURT: -- in a school class?

THE WITNESS: Yes, I did. Would you like me to tell you about it?

THE COURT: Well, you can summarize it.

THE WITNESS: All right. He was in the third grade, and this was at the school where I just came from, Bonham.

And he was in the third grade, learning English, but his father would not give us a telephone number where father could be located.

And the child was sick and we had to locate the parent, or try to, and we couldn't

And this was the point that I was trying to make, that it compounds my job as an administrator when I'm dealing with children whose parents have to be devious, or feel that they should be devious, about giving you information that is very important to us, because we cannot assume responsibility without a written permission from the parent.

And sometimes they don't even want to sign their names to documents.

THE COURT: Go ahead.

THE WITNESS: That's all I was trying to say.

Q. (By Mr. Florsheim) You testified that there are cultural differences, not just with illegal aliens but any alien child coming from Mexico.

A. Yes. There is a difference in the culture of the Mexican-American and the Mexican. Did you know that?

Q. You just can't take an alien from Mexico and say he's going to be just like a Mexican-American.

A. No way, because he hasn't been exposed to an American way of life.

Q. Is that a complicated educational process?

A. Yes, sir.

Q. Does it make it more difficult to teach?

A. Yes, sir, and the case in point was just one that I mentioned.

[page 664]

Q. Therefore, your one percent estimate was based on the premise that the undocumented children that you're talking about have been here a very short time.

A. Oh, yes, absolutely.

Q. A very short time.

A. Absolutely.

Q. Is it your testimony, therefore, that the children that you were talking about, the one hundred and the three hundred, have probably been here a very short time?

A. What do you consider a short time?

Q. Well, it was your statement and your projections. What do you consider a short time?

A. Okay. A short time would maybe be three months, but they are not – sometimes the children or the families don't even stay here long enough for those children to absorb any language, because they're back across again.

[page 671]

RE-DIRECT EXAMINATION

BY MR. FLORSHEIM:

Q. Mrs. Dysart, you mentioned the problems in the classroom if you put these children in there, and the difficulties raised for the teacher.

Doesn't it cause some problems for the teacher professionally as well, morale-wise?

A. Well, the bilingual teacher is the one I feel most sorry for, because she has double the curriculum. She has to develop a curriculum in English; she has to develop the curriculum in Spanish.

And she has to be a very, very versatile human being in that classroom, because she's dealing with two distinct languages.

When I went to school in Mexico, I went to my English classes and I went to my Spanish classes, and one teacher just took care of one language.

Up here in the United States, it's one teacher taking care of both languages, and that's very difficult and it does compound her ability to perform, and she is – that's why we have the rotation of our bilingual teachers.

They just get completely worn out. It's an enormous responsibility, and I don't think very many people understand what a bilingual teacher goes through.

[page 695]

TESTIMONY OF MS. SALINAS

Q. Ms. Salinas, what's your educational background, college level and above?

A. I went to junior college for a year and a half in Brownsville, Texas, at Texas Southmost College. I then received a grant to TWU to work in the BECA program, which was the bilingual program in which we taught for two years as opposed to six weeks in the teaching program.

And we taught two years, and we came to the campus in the morning in Fort Worth and we came to the campus in the afternoon to receive classes.

I then received my B.S. in elementary education, my kindergarten endorsement; I then went on to SMU to receive a Master's of Liberal Arts with emphasis in bilingual education from SMU, and I am presently going to North Texas State University, working on a school administration certification.

Q. Where are you currently employed?

A. At James B. Bonham Elementary.

Q. In what capacity are you employed?

A. A bilingual resource teacher.

Q. This is the Dallas Independent School District?

A. Yes, sir.

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Q. If you have one of those children in the classroom, say, of an otherwise generally literate children, do you have to take away time from the other students?

A. Yes, sir, because the child cannot understand even the most basic, simple instructions.

Q. Do you have various degrees of language proficiency? You've described the illiterate child who can't even function in Spanish.

Are there degrees within the illiterate or the other students?

A. Yes, there are. You have different levels of proficiency, and of course this is what we test to find out. Now, the Mexican child for which the bilingual program was designed is entirely different from the Mexican alien child, because the program was designed, like I say, for the Mexican child here in the states.

Q. Do you mean Mexican or Mexican-American?

A. The Mexican-American here in the states, which was that the child would come already in kindergarten having some knowledge of some basic concepts.

And we take him in his native tongue and give him instruction in his native tongue, with exception of ESL. That's English-as-a-second-language; that's oral development.

And then we take him on, after constantly having oral language. When we saw that they were ready to make the transition in English, then we make the transition to English.

Now, this does not occur sometimes until the third grade, so we're talking about starting at five years old and not maybe making the transition to Spanish until they're in the third grade; and the program was designed to work this way.

Now, these children – a lot of these children who come to kindergarten – the Mexican-American child has probably already been in school two years. He's had the television as an influence, so he has some type

– even though he's Spanish dominant, he's got some concepts.

Now, when the Mexican alien child comes from age five to age thirteen, I can't even begin to describe to you the different levels of illiteracy that they're at. I mean, they don't even – even working in their language, in oral language, we work, of course, with a lot of pictures; and even if you were asking them the picture in Spanish, they could come up with an entirely different word that would not exist possibly in the Spanish language. It might be from some dialect or something.

So we have to first – originally in our bilingual program, we start with ESL. Well, with the Mexican alien child, we would then have to turn the program around and completely revamp the program and start with a Spanish oral language program, because they're not even literate in their own language.

Q. You have taught Mexican alien children, haven't you?

A. Yes, I have.

Q. Have you taught – are there cultural differences that create problems?

A. Yes, I'd say mostly in the social aspects. They have a hard time adjusting, of course. The children that have been here in the States are sort of open and demonstrative and have no problems communicating, whereas the Mexican alien child takes a long time to get into the flow of things and doesn't adjust – adjusts very slowly.

Q. Is it relatively easy to, shall we say, spot the illegal alien in a classroom? Do the children pick him out?

A. No, sir, because it's really hard to answer that, because they're not there with any regularity. They come and go a lot, and it's sort of hard to even associate them with part – being part of the classroom.

And they come at different times, so you don't have large clusters coming at one particular time; so, no, not really, because when they come, they come one or two and . . .

Q. What do you mean, they come and go a lot?

A. Well, they don't usually start at the beginning of the year, which presents a real problem with instruction. They don't start at the beginning of the year, after we've gone through all the testing and begun to put the children in the different levels of instruction, because there are several different levels of instruction; there's not just – we don't use the shotgun method of instruction.

There are six or seven levels of instruction, sometimes three in English and three or four in Spanish, so . . .

Q. Do most Mexican aliens stay for a full school year?

A. Oh, no, sir. They come even – let's say – for instance, I've had some that come as late as March or April; will be there and be there for a month or – no, two or three weeks.

And in the past, my experience has been they'd be there and then they got wind of the immigration making spot checks, and then they were gone; and they weren't just gone for a couple days; they were gone for two or three weeks, sometimes months if they came in at the beginning of the year, and then all of a sudden they'd reappear.

So, of course, all that time there was no instruction taking place, and they were already coming to us. Sometimes – like when Gabe Allen in west Dallas was a K-6 school, I taught first grade at that time, and there was a teacher who had a fifth grade student – I guess he was thirteen; they went ahead and put him in the fifth grade.

He said, I don't know where to begin with this child; he can't write his name and he doesn't even speak very much. Could you go ahead and take him with your group?

I said I'd be glad to take him, except of course on the K-1 level and K-2, the furniture and the chalkboards and everything is adjusted a lot lower to work with the younger children.

So here was this 13-year-old child who came into the room, of course, with a bunch of six-year-old children, and he sort of stuck out; but he was basically where my children were, and a lot of my children had passed him – left him behind.

Q. Illegal alien children do get into schools. Based on your observations, what percentage of alien children, legal or illegal, who come into the schools are likely to speak sufficient English to be able to be described as other than monolingual?

A. English, did you say?

Q. How many Spanish-speaking students can get along in English sufficiently well to function in an English-speaking classroom?

A. Oh, my gosh. One percent, and that may be too much.

Q. Would this be the same thing for an alien child who's been in the country for a year?

A. No. This would – well, it depends what the child had been doing in the past year.

Q. What if that child had no – received only Spanish at home?

A. That's usually the case; and a lot of the children that are Spanish dominant pick a lot of language up watching television. But a lot of these children don't have a television, so even if they were here for a year and were not in the schools, the likelihood of picking up any English is very slim.

Q. Even if they pick up some words, do they pick up sufficient to function?

A. No, sir, they will not be functional.

Q. Do they pick up the right kind of English?

A. That's questionable.

Q. As a bilingual teacher, do you have problems with a high student-teacher ratio, say 30-to-1?

A. Yes.

Q. Does that limit your ability to teach?

A. Oh, yes.

Q. Would 25-to-1 be really difficult in a bilingual situation?

A. No, that would be adequate.

Q. Adequate?

A. Yes, sir.

Q. If you have a student-teacher ratio of 25-to-1 and that is suddenly increased to, say, 30-to-1, would that take away from the education of the class as a whole?

A. The entire class, yes, sir.

Q. What if those five additional students were illegal aliens? Would that complicate the situation even more?

A. Yes, sir.

Q. In what way?

A. Okay. Well, I couldn't put them – they would not sit in a group of even – let's say I have three or four Spanish groups that were Mexican-American children. Well, they could not sit in those groups, because this child coming from Mexico would probably need some of Spanish oral language first, while the Mexican-American child would already be receiving English oral language, so he would be a step behind the Mexican-American child already in the classroom.

So that would have to create more groups that didn't even exist, so we're talking about seven to eight groups.